

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
ORANGEBURG DIVISION

Jeremy Jeter, ) C/A No. 5:15-cv-02936-TMC-KDW  
 )  
 Petitioner, )  
 )  
 vs. ) ORDER  
 )  
 Warden, Lieber Correctional Institution, )  
 )  
 Respondent. )  
 )

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This case is before the Court because of Petitioner's failure to comply with the magistrate judge's Order of September 4, 2015. (ECF No. 6).

A review of the record indicates that the magistrate judge ordered Petitioner to submit the filing fee or a motion for leave to proceed *in forma pauperis* and to respond to the court's inquiry into the issue of timeliness of the Petition within twenty-one days. The Order specifically informed Petitioner that if he failed to comply with the Order, this case would be dismissed *without prejudice*. The court has not received any response from Petitioner and the time for his compliance has passed.

The mail in which the Order was sent to Petitioner at the address he provided when the case was filed has not been returned to the court, thus it is presumed that Petitioner received the Order, but has neglected to comply with it within the time permitted.

Petitioner's lack of response to the Order indicates intent to not continue prosecuting this case, and subjects this case to dismissal. *See Fed. R. Civ. P. 41(b)* (district courts may dismiss an action if a litigant fails to comply with "any order of the court."); *see also Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989) (dismissal with prejudice appropriate where warning given);

*Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982) (court may dismiss *sua sponte*).

Accordingly, this case is dismissed *without prejudice*. The Clerk of Court shall close the file.<sup>1</sup>

IT IS SO ORDERED.

/s/ Timothy M. Cain  
Timothy M. Cain  
United States District Judge

October 9, 2015  
Anderson, South Carolina

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within the time period set forth under Rules 3 and 4 of the Federal Rules of Appellate Procedure.

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<sup>1</sup> If Petitioner wishes to bring this action in the future, he should obtain new forms for doing so from the Clerk's Office in Columbia (**901 Richland Street, Columbia, South Carolina 29201**).